

BULLEID -- Serial No.: 09/380,377

REMARKS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The claims have been revised to define the invention with additional clarity. Sequence identifiers have been inserted.

Claim 23 stands rejected under 35 USC 101. The rejection is not believed to be well founded as the claim is drawn to a method - not an animal per se. Withdrawal is requested.

Claims 1-22 and 28 stand provisionally rejected as representing obviousness-type double patenting over claims of Application No. 09/029,348. Applicant in no way agrees with the Examiner's position. Given the provisional nature of the rejection, it is requested that the rejection be held in abeyance until the case is otherwise in condition for allowance.

Claims 1-22 and 28 stand rejected under 35 USC 112, first paragraph. The rejection is traversed.

The Examiner accepts that the specification is enabling for a method using a particular recognition sequence for one of the propeptides (see page 5). The Examiner does not accept that the specification is enabling for recognition sequences other than that identified on

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page 5. The specification does, however, give examples of other recognition sequences that may be used, see for example the list given on page 5 of the present specification. It is not seen why it should be said that the skilled person would have any difficulty in using these recognition sequences in place of the one accepted by the Examiner as enabled. Clarification is requested

With respect to the Examiner's comment regarding post-translational modification of collagen molecules, attention is directed to US-A-5,593,859, cited by the Examiner.

In view of the above, reconsideration is requested.

Claims 23-26 stand rejected under 35 USC 112, first paragraph. The rejection is traversed. Applicant submits that the technology necessary to practice the claimed invention would be regarded as "standard". In this respect, enclosed is a paper by Dr. Bullied relating to the generation of transgenic mice for expressing novel recombinant procollagens. The paper was published in April 1999, which is after the PCT filing date of the present case. The paper does, however, demonstrate that transgenic mice can be produced.

In view of the above and attached, reconsideration is requested.

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Claims 26 and 27 have been cancelled thereby mooting the rejection thereof under 35 USC 112, first paragraph. The claims are cancelled not because Applicant agrees with the Examiner's position but merely to advance prosecution.

Claims 23-26 stand rejected under 35 USC 112, first paragraph. The Examiner's attention is directed to the foregoing comments regarding these claims which are also applicable here. Reconsideration is requested in view of those remarks.

Claims 1-27 stand rejected under 35 USC 112, second paragraph. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions. Reconsideration is requested.

Claims 1, 2, 6 and 11-22 stand rejected under 35 USC 102(a) and (e) over Prockop et al. Claims 1-22 and 28 stand rejected under 35 USC 102(e) over Application No. 09/029,348. The rejections are traversed as those disclosures simply do not teach the subject matter claimed here. Reconsideration is requested.

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This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHVE, P.C.

By Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat

1100 North Glebe Road
8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100